



Government of **Western Australia**  
Department of **Commerce**  
Consumer Protection

## Application for a Real Estate Settlement Agents Licence and/or Business Settlement Agents Licence - (Individual)

Please use a pen and write neatly using BLOCK LETTERS. Tick  where appropriate

### Application Requirements

This form must be completed and signed by the applicant.

**Your application cannot be assessed unless ALL sections are completed and ALL information is provided. It is essential that you DO NOT LEAVE ANY SECTION BLANK – Use 'N/A' or 'Nil' where appropriate.**

This application **must** also be accompanied by the prescribed fee and those additional items listed in the form.

The list of current fees is available at [www.commerce.wa.gov.au/CP/licensingfees](http://www.commerce.wa.gov.au/CP/licensingfees).

### 1. Licence category

Which settlement agent's licence(s) are you applying for?

- Real Estate Settlement Agent**
- Business Settlement Agent**

### 2. Details of applicant

Title: Mr  Mrs  Miss  Ms  Other

Last Name:

Given Name(s):

Date of birth:  /  /

Residential Address:

Postal Address:  
(If different from above)

Address for service of notices:  
(Cannot be a PO Box)  
See section 37 of the *Settlement Agents Act 1981*

Work phone: (  )  Mobile:

Email address:

Note: The Department will utilise your nominated email address for communication purposes, please ensure that the email address provided in your application is correct, and that you notify the Department of any future changes.

Department of Commerce  
Consumer Protection  
Ground Floor "Forrest Centre"  
219 St Georges Terrace  
PERTH WA 6000

Locked Bag 14  
Cloisters Square WA 6850

Licensing Advice Line  
8:30am to 5.00pm  
Monday to Friday  
Tel: 1300 30 40 64

Overseas Callers  
+61 8 9282 0459

Email  
[licensingenquiries@commerce.wa.gov.au](mailto:licensingenquiries@commerce.wa.gov.au)

Web Site  
[www.commerce.wa.gov.au/CP/licences](http://www.commerce.wa.gov.au/CP/licences)

Consumer Protection Advice Line  
Tel: 1300 30 40 54

A6232566

### 3. Character

Please answer the following questions about yourself.

	Yes	No
(a) Have you ever been convicted of, or found guilty or, ANY offences anywhere? (include all traffic offences that went to court, but do not include spent convictions.)		
(b) Are you presently under a probation order, good behaviour bond, on parole, released on licence or subject to periodic detention?		
(c) Are you aware of any proceedings pending against you for an offence, including proceedings by way of appeal or review?		
(d) Have you ever been disqualified from holding a licence by any occupational licensing Board, agency, other Department or authorities anywhere?		
(e) Had any occupational licence or application refused, cancelled or suspended?		
(f) Have you ever been known by any other names?		

If the answer to any of the above items was 'Yes', full details must be provided on a separate attached sheet of paper.

### 4. National Police Certificate

The *Settlement Agents Act 1981* requires any applicant applying for a real estate settlement agent and/or business settlement agent licence to be of good character and repute, and a fit and proper person to hold a licence. Please attach to this application **an original or duly certified copy of a National Police Certificate** which is **no more than three months old**. Original document will not be returned.

Please see [www.commerce.wa.gov.au/cp/authorisedwitness](http://www.commerce.wa.gov.au/cp/authorisedwitness) for a list of occupations authorised to certify documents.

The National Police Certificate can be obtained through participating Australia Post outlets in Western Australia (please see [www.police.wa.gov.au](http://www.police.wa.gov.au) for further information).

### 5. Business Details – please complete either A or B only

**A)** If you intend to operate as a sole trader, please provide the following:

**Business Name** (if applicable):

NOTE: Every applicant who intends to carry on business under a business name must have that business name registered under the *Business Names Registration Act 2011* with the Australian Securities and Investments Commission. For information about business names registration requirements visit [www.asic.gov.au](http://www.asic.gov.au).

**Principal Place of Business:**

**Branch Address** (if applicable):

See section 38 of the *Settlement Agents Act 1981*

**Name of Branch Manager:**

**Triennial Certificate No of Branch Manager:**

*Attach additional sheet(s) if necessary*

**B)** If you are seeking a licence for the purpose of operating in the settlement industry on behalf of a different entity/agency, what is the name of the entity/agency and please outline your role within that business. If you are not currently employed in the settlement industry please indicate this below.

## 6. Financial and Audit Information

The Commissioner for Consumer Protection cannot grant a licence unless (s)he is satisfied that the applicant has sufficient material and financial resources available to comply with the requirements of the Act. To facilitate this, please provide your asset and liabilities below.

### Confidential Statement of Assets and Liabilities

To assist in determining whether you have sufficient material and financial resources a credit history check will be obtained as part of the application process.

<b>Assets</b>	<b>\$</b>
<b>Liabilities</b>	<b>\$</b>
<b>Net Worth</b>	<b>\$</b>

### Fidelity and Professional Indemnity Insurance

Each triennial certificate holder that will be trading in their own right must at all times be insured and hold a current certificate of insurance under the Commissioner's Master Policy Agreement. If the applicant intends to trade in their own right, please provide a copy of a current certificate of insurance.

For information about obtaining insurance under the Master Policy Agreement, contact Jardine Lloyd Thompson on (08) 9426 0444 or visit [www.jlta.com.au](http://www.jlta.com.au).

NOTE: If you will not be operating as a sole trader the Commissioner may grant the licence and triennial certificate subject to a condition waiving the requirement to hold insurance.

## 7. Qualification and Experience (see regulation 6 of the *Settlement Agents Regulations 1982*)

### Qualifications for a real estate settlement agents licence

- Australian Legal Practitioner within the meaning of that term in the *Legal Profession Act 2008*; or
- A Diploma of Conveyancing

### Qualifications for a business settlement agents licence

- Australian Legal Practitioner within the meaning of that term in the *Legal Profession Act 2008*; or
- A Diploma of Conveyancing and a unit of competency covering business settlement transactions.

Please provide your certificate of examination results and a copy of your qualification or a verification letter from the registered training organisation. In respect of a legal practitioner, a current practicing certificate must be provided.

**Experience** (Note: This requirement does not apply to legal practitioners.).

Under Schedule 1 of *Settlements Agents Act 1981* you are required to have **two (2) years continuous full-time experience** in arranging and effecting settlements of real estate and/or business transactions during the period immediately prior to the application.

Please provide a **Statutory Declaration** (a copy is included at Appendix 1) detailing your practical experience in effecting settlements relevant to your application. This should include:

- the name of, length of time with and the position held with your current employer (list of duties undertaken);
- confirmation of full-time or part-time employment (if part-time state days and hours of employment);
- if employed in this position for less than two years, details of previous places of employment, positions held and an extensive list of the duties undertaken;
- the number of settlements that you personally have undertaken during the last two years, the type of settlements effected (e.g.: house/land, business etc.) and the aspects of the settlements undertaken; and
- if applicable, details about any workshops or courses that you have attended during the last twelve months, which directly relate to the settlement profession.

## 8. Notice of Application

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You must publish a notice of your intention to apply for a Real Estate and/or Business Settlement Agent's Licence in the Public Notices section of a newspaper with State-wide circulation. Tuesday is generally the cheapest day to place a public notice. Any person may object to the granting of a licence and triennial certificate within seven (7) days of the notice being published.

The template setting out the information required for this notice is provided at Appendix 2 to this application form. You must provide an original copy of the page of the newspaper in which the notice appeared before your application can be considered.

## 9. Business References

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You must provide two business references. The references must be in the pro forma (see Appendix 3). References from relatives or partners will not be accepted and at least one reference must be from a person external to your current place of employment.

## 10. Declaration of Applicant and Authorisation to the Commissioner

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You are advised that permitting another person to use your licence or triennial certificate attracts penalties and the possibility of cancellation of the licence.

I, ....., sincerely declare as follows: -

1. That the particulars and answers given in respect of this application, are to the best of my knowledge and belief, complete, correct and true and that the attachments hereto are what they purport to be.
2. In order to assess of this application, I give authorisation to the Commissioner, or persons (s)he directs, to obtain on my behalf copies of:
  - (a) current or historical criminal records relating to any offence committed by me or an associated person/entity;
  - (b) any statements of fact for proceedings to which I, or an associated person/entity, have been a party;
  - (c) any court transcript or records for proceedings to which I, or an associated person/entity, have been a party;
  - (d) any decision in proceedings before any Board to which I, or an associated person/entity, have been a party;
  - (e) any other document or file relating to another occupational licence/registration that I have held or for which I, or an associated person/entity, have applied; and/or
  - (f) any other document or file that may be necessary to assist the Commissioner with assessment of this application.
- 3 I agree, during the currency of this application, to do all things necessary to assist the Commissioner in obtaining the above records upon request.
- 4 I confirm that I understand fully the duties and obligations imposed on myself under the *Settlement Act 1981*, Regulations, and associated Code of Conduct.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

Declared at (address)

Dated this

day of

20

Applicant's Signature

In the presence of:

Witness' Signature

Print Name of Witness

Qualification as such a witness (e.g. JP, Public Servant, etc)

Refer to section 12 and schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act 2005* for the list of Authorised Witnesses or visit [www.commerce.wa.gov.au/CP/authorisedwitness](http://www.commerce.wa.gov.au/CP/authorisedwitness)

**Any person who knowingly makes a statement that is false in a material particular in a statutory declaration is guilty of a crime and is liable to imprisonment for 5 years and a fine of \$24,000.**

## 11. Application Checklist

Prior to submitting your application, please complete this checklist, attaching your application and supporting documentation in order set out below:

Prescribed fees (Cash, cheque or credit card)	
An original National Police Certificate (not more than three months old);	
Copy of the Certificate of Insurance (if applicable);	
Statutory Declaration detailing practical experience (see Appendix 1);	
Two references (see Appendix 2);	
Certificate of completion for educational qualifications;	
Letter of consent from the nominated auditor (if applicable);	

Your completed application may be forwarded by post to:  Department of Commerce, Consumer Protection Licensing Branch Locked Bag 14, Cloisters Square PERTH WA 6850	Or delivered in person to:  Department of Commerce Ground Floor, Forrest Centre 219 St Georges Terrace PERTH WA 6000
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**An incomplete or inaccurate application cannot be assessed. If you need help completing this form please contact the Licensing Advice Line on 1300 30 40 64.**

## 12. Application Fee

A Triennial Certificate is granted for a three (3) year period. The total fee payable includes a triennial certificate/licence fee and a contribution to the fidelity guarantee fund.

A list of current fees is available on our website at [www.commerce.wa.gov.au/CP/licensingfees](http://www.commerce.wa.gov.au/CP/licensingfees).

Cheques should be made payable to the Commissioner for Consumer Protection. For payment by credit card, please complete the details below.

## 13. For Credit Card Payment

Card Type      Visa       Mastercard

Card Number                          

Expiry Date        /

Card Holder       *Please print*

Signature/Authorisation

Statutory Declaration to satisfy the experience requirements – to be completed by applicant

**OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005**

I,

.....

.....

... {name, address and occupation of person making declaration}

sincerely declare as follows: -

Multiple horizontal lines for writing the declaration.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

**Declared at**

Dated this  day of  20

Signature

**In the presence of:**  
Witness' Signature

Print Name of Witness

Qualification as such a witness (e.g. JP, Public Servant, etc.)

Refer to section 12 and schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act 2005* for the list of Authorised witnesses or visit [www.commerce.wa.gov.au/CP/authorisedwitness](http://www.commerce.wa.gov.au/CP/authorisedwitness).

**Any person who knowingly makes a statement that is false in a material particular in a statutory declaration is guilty of a crime and is liable to imprisonment for 5 years.**

NOTE: Once complete, this document can be provided directly to the newspaper. The newspaper will format the notice to meet the Commissioner's requirements.

**Application for Settlement Agents Licence – Individual**

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.....  
(SURNAME)

.....  
(GIVEN NAMES)

**Address for Service of Notices**

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Street address .....

Suburb/Town ..... Postcode

..... Dated this ..... day of

..... 20.....

Being qualified to do so, has applied to the Commissioner for Consumer Protection for a \*Real Estate and/or Business Settlement Agent Licence under the *Settlement Agents Act 1981*.

**Any person who wishes to object to the grant of the licence may do so by lodging a Statutory Declaration with the Commissioner within seven (7) days stating the grounds of the objection.**

**Please contact Consumer Protection on 1300 30 40 64 for further information.**

(\*strike out if not applicable to your application)



Government of **Western Australia**  
Department of **Commerce**  
Consumer Protection

**SETTLEMENT AGENT  
BUSINESS REFERENCE TEMPLATE**

- References from relatives/partner, subordinates, business partners or co-directors will not be accepted.
- At least one reference must be from a person external to the applicant’s current place of employment.
- **References should be as detailed as possible but include only information that is relevant to the applicant’s suitability to hold a real estate agent’s licence. Any additional relevant information should be attached.**
- Applicants must have a minimum of two years’ full-time relevant experience in the preceding five years. References should outline the applicant’s relevant experience within this period.
- Where Consumer Protection is unable to determine the applicant’s suitability to hold a settlement agent’s licence due to insufficient information being provided in support of the application, the reference will not be accepted.

The information provided will assist the Commissioner for Consumer Protection in determining whether the applicant is of good character and repute, and a fit and proper person to be granted a settlement agent’s licence, pursuant to section 27 of the *Settlement Agents Act 1981*.

**Individual for whom reference provided:** \_\_\_\_\_

(the applicant)

**Questions**

1. How long have you known the applicant? .....
2. Are you related to the applicant in any way? .....
3. What is the capacity and extent of your business relationship (and social relationship, if any) with the applicant? .....  
.....  
.....  
.....  
.....
4. Please indicate, to the best of your knowledge, the type, scope and extent of the applicant’s settlement experience in the last five years .....  
.....  
.....  
.....  
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.....



**General fitness of applicant to hold a settlement agent licence:**

I consider the applicant to be a person of good character and repute and a fit and proper person to hold a licence.

I believe that the applicant reasonably understands the duties and obligations imposed on them by the *Settlement Agents Act 1981*.

I am not aware of any reason why the applicant would not be eligible for, or should not be granted, a settlement agent's licence.

I am not aware of any reason why the applicant may not have sufficient material and financial resources available to comply with the requirements of the *Settlement Agents Act 1981*.

I believe the applicant to be capable of carrying on the business of a real estate settlement and/or business settlement agent with the general public without supervision.

**Referee's Name** (please print) .....

**Job title/Place of Employment** .....

**Contact Number** .....

**Declaration**

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I, .....(referee), sincerely declare that the particulars and answers given in respect of this reference are, to the best of my knowledge and belief, complete, correct and true and that the attachments hereto are what they purport to be.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

**Declared at**

Dated this  day of  20

Referee's Signature

**In the presence of:**

Witness' Signature

Print Name of Witness

Qualification as such a witness (e.g. JP, Public Servant, etc.)

Refer to section 12 and schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act 2005* for the list of Authorised witnesses or visit [www.commerce.wa.gov.au/CP/authorisedwitness](http://www.commerce.wa.gov.au/CP/authorisedwitness).

**Any person who knowingly makes a statement that is false in a material particular in a statutory declaration is guilty of a crime and is liable to imprisonment for 5 years.**